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		Summary		
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possible. Although Aquino is not likely to present the public with a constitution it would reject, there is an outside chance that the document could be defeated if she misreads the public's views.

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What Is at Stake for Aquino

President Aquino's authority—as well as the popular mandate that ensures it—is riding on the proceedings of the 48-member Constitutional Commission ("Concom") that she appointed. Her initial instructions indicate that she wants the delegates to draft a moderate, noncontroversial document and to do it quickly and with no surprises. When she inaugurated the Concom on 2 June, Aquino set an informal three-month deadline, asking for a draft constitution by 2 September. She warned the delegates against usurping legislative or executive privileges—a warning she publicly repeated in late July after radical delegates started to promote a clause that would dismantle the US military bases at Clark Airfield and Subic Bay.

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Aquino has conscientiously kept her promise not to interfere with the proceedings. Loyal supporters of the President constitute a majority of the delegates, and some of Aquino's close personal associates within that group--such as Concom chairman Cecilia Munoz-Palma and constitutional expert Fr. Joaquin Bernas--have successfully directed many of the proceedings according to her wishes. Nonetheless, the Concom is getting bogged down on controversial partisan issues, and this is reflecting poorly on Aquino. Critics, who characterize Aquino as ineffectual and unable to manage strains within her government, attribute the Concom's difficulties to Aquino's weak leadership.

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The Threat From the Left

Aquino's plans for the constitution are being threatened by the Communist Party of the Philippines (CPP), which is aggressively campaigning for a radical constitution that promotes strident nationalist goals. The centerpiece of this openly anti-American effort is the provision banning foreign military bases and nuclear weapons.

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The party is influencing the Concom through a sympathetic group of leftist nationalists on the commission that is estimated to number between 12 and 17. Under the leadership of delegates such as Jaime Tadeo--an activist peasant leader whom Embassy reporting suggests is a CPP member--the leftists are prolonging debate and making radical proposals they know are unacceptable to Aquino. They have been able to exert their influence by organizing aggressively, lobbying other delegates for support, and voting as a bloc. Their strength was demonstrated in mid-July, when they pushed through at the committee level an agreement in principle to

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terminate the US-Philippine bases agreementwithout an option	
for renewalwhen it expires in 1991.	25 X 1
the moderates, who constitute almost two-thirds of the commission, have successfully put off debate on controversial proposals such as the bases issue until they are ready to control discussion and have devised an	25X1
effective floor strategy to ensure voting discipline. Nevertheless, the	25X1
moderates have had to close ranks without any help from Aquino, and that they are increasingly frustrated at her lack of support. Although a key presidential adviser told the Embassy in mid-July that Aquino was fully aware of the radical threat and	20/(1
was preparing to take decisive action to put it down, Aquino had yet to provide direct encouragement or instructions to her supporters there. Determined to keep to her promise not to interfere, Aquino may have recognized that the moderates had the votes to	25X1 25X1
defeat any antibases provision and thus calculated that she could safely avoid getting involved.	25X1
Aquino may face greater problems with other nationalistic provisions. Several proposals supported by even the moderates-because they reflect Aquino's populist idealsare almost certain to make the constitution more controversial than Aquino would like. Primary among these are idealistic social welfare and economic provisions, including restrictions on the activities of multinational firms. Clauses guaranteeing the workers' right to strike and mandating sweeping land reform have already been	0-144
The Costs for Aquino	25X1
In our view, any problem Aquino has in securing the kind of constitution she wants and when she wants it will reflect poorly on her ability to command authority. Such a development would encourage her critics within the left and the opposition and exacerbate the strains within her coalitionparticularly those between Aquino's civilian advisers and the military leadership, which is already skeptical about her ability to govern. In addition, if Aquino departs for Washington without a completed draft constitutionor with one that contains controversial, nationalistic provisionsshe will have left the country not only	
with her leadership in question but at the start of a heated national debate on the terms of the constitution.	25 X 1
We believe Aquino will not get the constitution she wants when she wants it. Prolonged debate on the bases and other controversial proposals are likely to delay the proceedings well beyond Aquino's 2 September deadline; according to the Embassy, the proceedings are already nearly two weeks behind schedule. Underscoring the slippage, the Concom steering committee recently extended the deadline for completion of the draft to between September 12 and September 15. At the same time, conveying a	

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<u>Article</u>	<u>Status</u>	Comment
Preamble	passed	
Bill of Riahts	passed	Increases protection for citizens under investigation or detentionabolishes death penalty but allows Congress privilege of reactivating it.
Citizenship	passed	
Suffrage	passed	Extends voting rights to Filipinos living abroad.
Amendment and Revisions	passed	
National Territory	passed	Does not preclude claim to Malavsian state of Sabah.
Judiciary	passed	Judicial branch independent of executive number of Supreme Court justices decreased from 15 to 11Supreme Court is tribunal for presidential/vice presidential elections.
Constitutional Commissions	passed	Commissions on Elections, Audit, and Civil Services much the same as under Marcos.
Social Justice	passed ,	Mandates comprehensive agrarian and urban land reform programquarantees workers' right to strike.
Executive	passed	Formalizes Aquino's and Vice President Laurel's terms through 1992both positions have single six-year terms.
Leqislature	passed	Creates bicamera? legislature similar to pre-martial law Congress24 senators with six-year terms, 250 representatives with three-year termsArticle on Transitory Provisions expected to establish five-year terms for all offices in 1987 elections; synchronized elections to hegin in 1992 two-thirds Senate vote needed to approve all treaties and international agreements.
Local Government	on the floor	Some administrative autonomy for Moslem areas of Mindanao and Cordillera area of Northern Luzon has been approved.
Economy and National Patrimony	pending	Could impose restrictions on foreign investment and multinational firms.
Declaration of Principles	pending	Includes antibases and antinuclear proposals.
Human Resources	pending	·
General Provisions	pending	
Transitory Provisions	pending	

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company of warman Company shafeware Marrier D. 7	
sense of urgency, Concom chairman Munoz-Palma called an emergency	
caucus in which she appealed to the delegates to complete their work before Aquino's departure for Washington on 15 September in	
order to allow the President to have a completed draft in hand	
when she begins her trip.	2
	_
Even if the bases issue is resolved in her favoras we	
expectthe other nationalistic provisions that are being	25X
incorporated are certain to generate controversy both at home and	25/
abroad. Foreign and domestic businessmen are openly concerned	
about the restrictive economic proposals, and the land reform and other welfare provisions are arousing similar alarm	25X
Aquino's economic advisers, however,	
have done little to lobby against any of these provisions.	_
Some Troops against any of these broads	2
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In our fudement American 11 to 11	
In our judgment, Aquino can limit the severity of any crisis	
that develops over the draft constitution if she acts quickly and decisively to assert her authority. The Concom is Aquino's	
creation and serves at her pleasure; her popular mandate is	
probably strong enough to support any move she makes to rein it	
in, regardless of her promise not to interfere. A palace aide	
told the Embassy in late July that Aquino was prepared to call in	25X
Concom delegates individually to issue warnings to the leftists	
and reassurances to the moderates. So far, however, she has not,	
and we do not know what her threshold for action is.	2
	2
When the Commission Produces a Draft	
The proclamation establishing the Concom does not say what	
procedure would follow if Aquino found the draft constitution	
unacceptable. Invoking her executive authority, she could return	
the draft to have the objectionable provisions rewritten.	2
At the	2
same time, we think it unlikely that Aquino would reject	
outright a draft constitution, even one with controversial	
provisions. The only exception we can envisage is a draft that	
included an antibases clause, which now appears unlikely.	2
Rut oven if Aquino obtains a satisfactory duest constitution	
But even if Aquino obtains a satisfactory draft constitution she faces another test of her leadership in the plebiscite for	
ratification that will be held later this year. According to the	
current provisional charter, Aquino has 60 days after she	
receives the completed draft to submit it a vote. According to	
most political observers, the plebiscite will be largely	
perceived as a vote of confidence in Aquino's leadership.	2
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the CPP and its front	2
	2

	ycott the plebiscite or defeat ratification ist agenda has not been incorporated.	
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		2
	so faces a formidable challenge during the	
prevent the co	m former Marcos loyalists, who are determind nstitution from being solely a vehicle to	
in the Concom,	government. The four-man "opposition" con- led by former Labor Minister Blas Ople and	tingent
demanding that	ost of the remnants of Marcos's party, are the plebiscite include new electionsin wh President Salvador Laurel seek a new manda	
	emand is unlikely to be met the loyalists are prepared to campa	
	cation. We believe such an offensive by the	e Marcos
to Aquino.	ery be more than just the typical loyalist	iii i canc
	t campaign could provide Defense Minister E s would presumably be well-served by an ear	
	lectionwith an opportunity to strengthen is certainly not above exploiting the loyal	
the reorganiza	olitical deputy, Renato Cayetano, is spearho tion of the Nationalista Party, which has bo	een a 🌷
leading propon probably also	ent of an early preside <u>ntial election</u> , and letains ties to Ople.	Enrile
If the Public	Rejects the Draft	
	nly unlikely that Aquino would submit to plo	
the public's v	unacceptable to the public, but she could miles. To forestall this, a large-scale cam	paign to
	olic on the issues of the constitution is be centrist National Movement for Free Election	
* boycott the Fe	the CPP's decisionary 1986 presidential electionwhich par	
members have p	ublicly stated was the worst political blundstoryhas precipitated heated strategy deba	der in
	truggle within the CPP.	ACCO GHU

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(NAMFREL)--the poll-monitoring group that declared Aguino the winner of the February election. Depending on the success of radical and opposition propaganda campaigns, however, there is still an outside chance that the constitution could be voted The current provisional charter contains no mention of what would happen then, but constitutional expert Fr. Bernas has publicly stated that Aquino would have the authority to either reconvene the Concom or allow for the appointment or election of a new body. Nevertheless, we believe defeat of the constitution would precipitate a serious crisis of leadership. Aquino's survival would depend on whether her other political accomplishments were sufficient to quarantee her continued popular support until a new constitution could be drafted, and whether the left, former Marcos loyalists, or some disaffected element of her coalition--particularly the military--was prepared or inclined to oust her.

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